IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4449 of 2000

Between:

1 V.Srinivas Chary, S/o V.Venkata Chary,
aged 36 years, H.No.18--3-640/1/10,
Lal Darwaza, Hyderabad.

2 Ms. B.Arunavathi, D/o B.Yadagiri,
aged 33 years, R/o.16-7-544, Azampura,
Hyderabad.

....PETITIONERS

AND

1 The Regional Joint Director of School
Education, Andhra Pradesh, Kachiguda,
Hyderabad-500 027.

2 Government of Andhra Pradesh, Education
Department, Rep. by its Secretary,
Secretariat, Hyderabad.

3 L.M.G. High School, Rep. by its Correspondent,
Begum Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order Mandamus or any other appropriate Writ declaring the action of the 1st respondent in rejecting the approval for the appointment of the petitioners in the 3rd respondent School as Secondary Grade teachers vide proceedings

No.748/A4/99 dated 20-1-1999 as unconstitutional and to issue consequential direction to the respondents to appoint the petitioners as Secondary Grade Teachers in the 3rd Respondent School in Regular pay Scale.

Counsel for the Petitioner: MR.V.SRINIVAS
Counsel for the Respondent Nos.1 and 2: GP FOR SCHOOL EDUCATION
Counsel for the Respondent No.3: None appeared.

The Court made the following:

ORDER

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioners herein, files this Writ Petition *inter alia* seeking to assail the impugned orders of the 1st respondent herein in rejecting the approval for appointment of them with the 3rd respondent school as Secondary Grade Teachers by proceedings, dated 20-12-1999 as bad and seek further direction to appoint them in that post in Regular Pay Scales.

The case of the petitioners in brief is that in pursuance of the notification issued by the 3rd respondent, the petitioners were selected and the same was sent for approval by the 3rd respondent to the 1st respondent along with other candidates. But the 1st respondent approved the appointment of other candidates and whereas the same was rejected in regard to the petitioners on the ground that the petitioners have not acquired any qualification in Hindi since the required medium of instruction is only in Hindi language. Hence the Writ Petition.

The learned counsel appearing on behalf of the petitioners submit that having regard to the fact that the 3rd respondent has already selected the petitioners along with other candidates on considering their performance, it is not open for the 1st respondent to reject the approval only on the ground that the petitioners are not having qualification in Hindi language. Further it was also submitted that

the petitioners have passed the test and interview conducted by the 3rd respondent in Hindi only and subsequently, they acquired the qualification of Visaradh and therefore, there cannot be any reason for rejection of approval.

The learned Government Pleader who filed counter affidavit on behalf of the respondents 1 and 2 herein sought to sustain the impugned orders on the ground that the notification contemplates the medium of instruction being in Hindi language and therefore, in view of the instructions issued, the question of appointing the petitioners in the said institution does not arise.

Considering the submissions made and also on perusal of the record, the only question that falls for consideration is whether the approval of the appointment of the petitioners can be rejected on the ground that they do not hold any qualification in Hindi language.

There is no dispute of the fact that the petitioners along with others have appeared for the test of Secondary Grade Teachers and the 3rd respondent after conducting all the formalities, selected them along with other candidates and the same was sent for approval of the 1st respondent who under the impugned orders, dated 20-12-1999 rejected the petitioners appointment on the ground that they do not hold qualification in Hindi language. There is no dispute of the fact that the 3rd respondent itself has selected the petitioners after conducting the test and interview in Hindi. It is the further case of the petitioners that subsequently they have acquired qualification in Hindi Visaradh. It is not the case of the respondents 1 and 2 that the petitioners cannot teach or give proper instructions in Hindi language. Therefore, it cannot be said that the petitioners are not well versed with Hindi language.

The learned counsel appearing on behalf of the petitioners further submits that the Government order which is sought to be relied on for this purpose, has no application to the High School, but it is only applicable to the Elementary School. On a plain reading of the said Government order, it is evident that it

only pertains to the Elementary School but not to High School. Further all these aspects have not been taken into consideration before passing any orders. Despite the orders, one more opportunity should be given to the petitioners to appraise them in these aspects and the matter can be reconsidered afresh.

Accordingly, the Writ Petition is disposed of permitting the petitioners to file a comprehensive representation within a period of two weeks from today pointing out all these aspects including the applicability of the Government order to the School or not and subsequent qualification they have acquired, and on receipt of which, the respondents shall reconsider the same afresh and pass appropriate orders in accordance with law. The entire process shall be completed within a period of six weeks from the date of representation. No costs.

21-12-2004.

Hsd

Asst. Registrar

To

1 The Regional Joint Director of School
Education, Andhra Pradesh, Kachiguda,
Hyderabad-500 027.

2 The Secretary,Government of Andhra
Pradesh, Education Department,
Secretariat, Hyderabad.

3 The Correspondent.L,M.G. High School,
Begum Bazar, Hyderabad.

4. 2 C.Cs to G.P. for School Education, High Court

of A.P. High Court Buildings, Hyderabad (OUT)

5. 2 C.D. copies.